

Docket No.: V9661.0074  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of: Hsiang-Fu Kung et al.

Confirmation No.: 2232

Application No.: 10/801,648

Art Unit: 1633

Filed: March 17, 2004

Examiner: R. M. Kelly

For: COMBINED ADENO-ASSOCIATED  
VIRUS AND ADENOVIRUS COCKTAIL  
GENE DELIVERY SYSTEM FOR HIGH  
EFFICIENCY GENE EXPRESSION  
WITHOUT ELICITING IMMUNE  
RESPONSE IN IMMUNO-COMPETENT  
SUBJECTS

New York, NY  
July 2, 2007

**INFORMATION DISCLOSURE STATEMENT (IDS)**

**MS Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A copy of those references listed on the PTO/SB/08 is attached:

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215, under Order No. V9661.0074.

Dated: July 2, 2007

Respectfully submitted,

By 

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/801,648-Conf. #2232
				Filing Date	March 17, 2004
				First Named Inventor	Hsiang-Fu Kung
				Art Unit	1633
				Examiner Name	R. M. Kelly
Sheet	1	of	1	Attorney Docket Number	V9661.0074

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	CI2	Chen et al., 2003, "Gene therapy for new bone formation using adeno-associated viral bone morphogenetic protein-2 vectors", <i>Gene Ther</i> 10:1345-1353.		
	CJ2	Gafni et al., 2004, "Gene therapy platform for bone regeneration using an exogenously regulated, AAV-2-based gene expression system", <i>Mol Ther</i> 9(4):587-595.		
	CK2	Moutsatsos et al., 2001, "Exogenously regulated stem cell-mediated gene therapy for bone regeneration", <i>Mol Ther</i> 3(4):449-461.		
	CL2	Turgeman et al., 2001, "Engineered human mesenchymal stem cells: a novel platform for skeletal cell mediated gene therapy", <i>J Gene Med</i> 3:240-251.		
	CM2	Yasko et al., 1992, "The healing of segmental bone defects, induced by recombinant human bone morphogenetic protein (rhBMP-2)", <i>J Bone Joint Surg Am</i> 74.A(5):659-670.		
	CN2	Yue et al., 2005, "BMP2 gene therapy on the repair or bone defects of aged rats", <i>Calcif Tissue Int</i> 77:395-403.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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